



Missouri Sentencing Advisory Commission

SMART SENTENCING

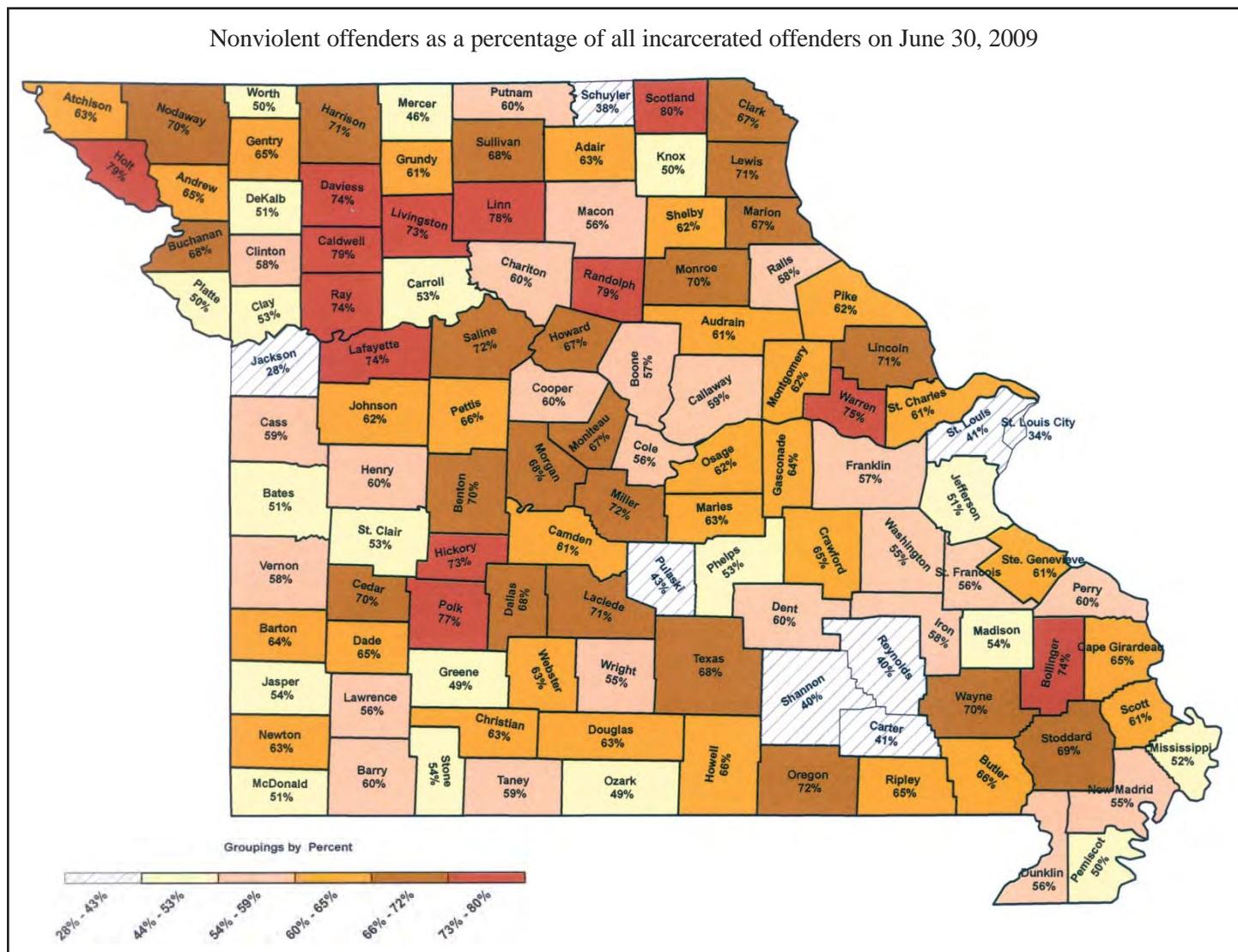
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HOW MANY FIRST-TIME FELONY NONVIOLENT OFFENDERS ARE SENT TO PRISON?

A COUNTY-BY-COUNTY REVIEW

January's publication of county-by-county data about nonviolent offenders in prison has caused considerable discussion about the difference in the use of prison as punishment in various areas of the state.¹ After examining the differences in prison rates from county to county, one judge commented, "For one bent on criminal enterprise, a trip through Missouri could be likened to a spin on the roulette wheel."



The data show that, on average, slightly more than 50 percent of inmates statewide were in prison for nonviolent offenses, ranging from about 27 percent in Jackson County to nearly 80 percent in some rural counties. Because being in prison increases the likelihood that an offender will reoffend, particular attention must be paid to the nonviolent offenders, nearly all of whom return to the communities from which they were sent to prison.²

To get a better look at the imprisonment of nonviolent offenders, one might examine how many of the nonviolent offenders were “first” offenders – the list of counties is set forth below, using the population as of June 30, 2009.

NOTE:

SMART SENTENCING INVOLVES
USING THE LATEST IN STATISTICS,
INFORMATION, RESEARCH FINDINGS AND
EVIDENCED-BASED PRACTICE TO MAKE
INFORMED DECISIONS ABOUT HOW TO
PUNISH CRIMINAL BEHAVIOR.

THE SENTENCING ADVISORY
COMMISSION HAS LAUNCHED THIS
PERIODIC BULLETIN TO KEEP JUDICIAL
DECISION MAKERS CURRENT AS TO
THE LATEST INFORMATION RELATED
TO SENTENCING PRACTICES AND THEIR
IMPACTS. THE BULLETIN IS BEING
DISTRIBUTED TO JUDGES, PROSECUTORS,
PUBLIC DEFENDERS, PROBATION
OFFICERS AND THE PUBLIC VIA EMAIL
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sentencing.*

The list shows the number of inmates from each county; the percentage of nonviolent offenders from each county; and, from each county, the number and percentage who were sent to prison and who had no prior felony findings of guilt, according to Department of Corrections’ offender records.

As of June 30, 2009, the total number of nonviolent, first-time felony offenders in prison was 1,999. If we are to control crime by reducing recidivism – and keep the corrections’ budget from eating the state’s budgetary lunch – the task ahead is to find punishments for most of these offenders that do not utilize the state’s most expensive resource – prisons. If most of these first-time felony offenders were diverted to other forms of punishment – probation, drug or DWI courts, short-term local jail sentences – the state would need one less prison than the number it currently maintains.

We know that some states have instituted early release programs for certain inmates. The problem is that most offenders who have been sent to prison are more likely to reoffend than those who have not been to prison. So it should not be surprising that some of these individuals – especially those who are released without taking account of offenders’ risk status – have caused problems.³

The rational approach, obviously, is to avoid the use of prison time for nonviolent offenders who can be sanctioned effectively without prison.

Michael A. Wolff
Chair
Sentencing Advisory Commission

¹ The Table, “Nonviolent Offenders as a Pct. of all Offenders, Crime and Incarceration Rate, Incarcerated on June 30, 2009,” attached to SMART SENTENCING, Vol. 2, No. 1: BIENNIAL REPORT HIGHLIGHTS: WIDE DISPARITY IN SENTENCING OF NONVIOLENT OFFENDERS; RECOMMENDED SENTENCES RESULT IN LOWER RECIDIVISM (January 2010) is reproduced at the end of this bulletin with two columns added: the number and percentage of each county’s nonviolent offenders who have no prior felony findings of guilt.

² “Nonviolent offenses include drugs, DWI, and those offenses categorized as “nonviolent” in the charge code groups; see, App. D (p. 150) of the current RECOMMENDED SENTENCING USERS GUIDE 2009-2010, available at www.mosac.mo.gov. The nonviolent offenses include nonviolent A and B felonies of burglary 1st degree and theft/stealing >\$25,000; nonviolent C and D felonies of burglary (not 1st), stealing, arson (not 1st or 2nd causing death), forgery, fraud, gambling, damage to property, stolen property, family offenses excluding those listed in Violent and Sex offenses), obstructing judicial process, weapon offenses excluding armed criminal action, liquor laws, peace disturbance (with the listed exceptions), election laws, health and safety, tax revenue, conservation, motor vehicles, and public order crimes (including failure to register as a sex offender).

³ Monica Davey, *Safety is Issue as Budget Cuts Free Prisoners*, THE NEW YORK TIMES, MARCH 4, 2010, p 1A.

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**Nonviolent offenders as a percentage of all offenders and the percentage who are first time
felony offenders, with crime & conviction and incarceration rates and rankings***
Incarcerated on June 30, 2009
County rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses		Percent with Nonviolent Offenses Ranking		Nonviol. First Time Felony Offenders	Percent who are First Time Felony Offenders	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Crime & Conviction Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 ***	
		Nonviolent Offenses	Ranking	Nonviol. Felony Offenders	Felony Offenders					Nonviolent Incarceration Rate per 100,000 ***	Ranking
Adair, 2	78	62.8%	47	49	8	16%	1,209	57	118	78	
Andrew, 5	37	64.9%	44	24	3	13%	844	91	72	102	
Atchison, 4	16	62.5%	50	10	3	30%	543	108	181	37	
Audrain, 12	176	61.4%	59	108	15	14%	1,154	62	208	25	
Barry, 39	163	59.5%	71	97	14	14%	1,432	36	129	63	
Barton, 28	61	63.9%	45	39	5	13%	1,153	63	207	27	
Bates, 27	53	50.9%	99	27	3	11%	1,350	46	359	5	
Benton, 30	82	69.5%	25	57	10	18%	1,135	64	125	70	
Bollinger, 32	42	73.8%	9	31	6	19%	714	98	97	88	
Boone, 13	1,004	56.7%	79	569	44	8%	1,938	18	123	72	
Buchanan, 5	722	68.0%	28	490	54	11%	2,536	6	224	13	
Butler, 36	277	66.1%	37	183	40	22%	2,473	7	217	16	
Caldwell, 43	53	79.2%	3	42	6	14%	872	90	172	42	
Callaway, 13	237	59.1%	73	140	6	4%	2,089	15	401	2	
Camden, 26	254	60.6%	64	154	22	14%	1,591	29	209	24	
Cape Girardeau, 32	406	65.0%	43	264	37	14%	2,305	9	138	60	
Carroll, 8	62	53.2%	92	33	0	0%	580	107	165	47	
Carter, 37	27	40.7%	110	11	3	27%	532	110	223	14	
Cass, 17	239	59.4%	72	142	23	16%	1,280	51	164	48	
Cedar, 28	66	69.7%	24	46	2	4%	1,035	71	181	38	
Chariton, 9	45	60.0%	68	27	4	15%	401	114	168	45	
Christian, 38	206	62.6%	48	129	16	12%	1,003	78	127	66	
Clark, 1	39	66.7%	34	26	4	15%	605	105	67	104	
Clay, 7	645	53.0%	94	342	56	16%	1,409	40	129	64	
Clinton, 43	83	57.8%	76	48	9	19%	1,120	65	163	50	
Cole, 19	359	56.0%	81	201	24	12%	1,722	25	89	92	
Cooper, 18	111	60.4%	65	67	9	13%	1,654	27	160	52	
Crawford, 42	188	65.4%	39	123	21	17%	1,770	23	159	53	
Dade, 28	23	65.2%	40	15	2	13%	735	96	216	19	
Dallas, 30	75	68.0%	29	51	10	20%	1,161	61	84	95	
Daviess, 43	78	74.4%	8	58	16	28%	764	94	212	22	
DeKalb, 43	88	51.1%	97	45	5	11%	622	103	373	3	
Dent, 42	113	60.2%	67	68	14	21%	1,175	58	99	87	
Douglas, 44	56	62.5%	51	35	8	23%	1,362	44	46	110	
Dunklin, 35	420	55.5%	85	233	33	14%	1,941	17	165	46	
Franklin, 20	246	56.5%	80	139	9	6%	1,421	37	112	82	
Gasconade, 20	44	63.6%	46	28	3	11%	1,408	41	188	34	
Gentry, 4	23	65.2%	41	15	4	27%	654	101	146	56	
Greene, 31	1,362	49.3%	105	671	102	15%	3,407	2	122	73	
Grundy, 3	46	60.9%	62	28	5	18%	1,287	50	111	83	
Harrison, 3	49	71.4%	17	35	7	20%	1,097	67	128	65	
Henry, 27	139	59.7%	70	83	12	14%	1,784	22	234	12	
Hickory, 30	33	72.7%	13	24	2	8%	920	83	114	80	
Holt, 4	24	79.2%	4	19	1	5%	1,175	59	92	90	
Howard, 14	64	67.2%	33	43	4	9%	535	109	33	113	
Howell, 37	125	66.4%	36	83	26	31%	2,278	11	297	8	
Iron, 42	71	57.7%	78	41	7	17%	772	93	49	108	
Jackson, 16	3,658	27.5%	115	1006	120	12%	3,068	4	60	105	
Jasper, 29	517	53.6%	91	277	36	13%	2,834	5	107	84	
Jefferson, 23	484	51.0%	98	247	21	9%	1,678	26	416	1	
Johnson, 17	185	61.6%	56	114	18	16%	1,455	35	289	9	
Knox, 2	8	50.0%	101	4	1	25%	1,509	31	178	40	
Laclede, 26	250	71.2%	19	178	32	18%	1,936	19	211	23	
Lafayette, 15	345	73.6%	10	254	39	15%	1,259	54	127	68	
Lawrence, 39	206	55.8%	83	115	15	13%	1,838	21	180	39	
Lewis, 2	35	71.4%	18	25	4	16%	1,057	69	307	7	
Lincoln, 45	228	71.1%	20	162	15	9%	1,026	74	358	6	
Linn, 9	40	77.5%	5	31	4	13%	1,004	77	119	76	

* Nonviolent includes drugs, DWI and other nonviolent offenses.

** Average of property crime reported and felony convictions expressed as a rate per 100,000 population on July 1, 2008

*** Number of offenders incarcerated for a nonviolent offense expressed as a rate per 100,000 population on July 1, 2008

**Nonviolent offenders as a percentage of all offenders and the percentage who are first time
felony offenders, with crime & conviction and incarceration rates and rankings***

Incarcerated on June 30, 2009

County rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses	Percent with Nonviolent Offenses		Nonviol. First Time Felony Offenders	Percent who are First Time Felony Offenders	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 ***
			Nonviol. Offenses Ranking	Nonviol. Felony Offenders					
Livingston, 43	140	72.9%	12	102	12	12%	434	113	119
Macon, 41	59	55.9%	82	33	2	6%	890	85	90
Madison, 24	67	53.7%	90	36	2	6%	1,029	73	141
Maries, 25	16	62.5%	52	10	1	10%	668	100	113
Marion, 10	194	66.5%	35	129	34	26%	3,254	3	131
McDonald, 40	112	50.9%	100	57	17	30%	1,379	42	25
Mercer, 3	24	45.8%	107	11	1	9%	608	104	196
Miller, 26	180	71.7%	16	129	10	8%	1,223	55	169
Mississippi, 33	171	51.5%	96	88	10	11%	1,337	47	79
Moniteau, 26	55	67.3%	32	37	5	14%	832	92	59
Monroe, 10	47	70.2%	22	33	1	3%	1,264	53	72
Montgomery, 12	93	62.4%	54	58	7	12%	1,170	60	217
Morgan, 26	78	67.9%	31	53	8	15%	1,300	49	161
New Madrid, 34	250	55.2%	86	138	22	16%	653	102	22
Newton, 40	171	62.6%	49	107	20	19%	1,536	30	104
Nodaway, 4	71	70.4%	21	50	6	12%	1,216	56	183
Oregon, 37	36	72.2%	14	26	5	19%	526	111	78
Osage, 20	34	61.8%	55	21	3	14%	881	87	45
Ozark, 44	33	48.5%	106	16	3	19%	1,102	66	142
Pemiscot, 34	253	49.8%	103	126	24	19%	1,954	16	88
Perry, 32	83	60.2%	66	50	8	16%	942	82	190
Pettis, 18	273	65.6%	38	179	35	20%	2,396	8	212
Phelps, 25	175	53.1%	93	93	24	26%	2,119	13	126
Pike, 45	109	61.5%	58	67	7	10%	999	79	152
Platte, 6	249	49.8%	104	124	25	20%	1,415	39	142
Polk, 30	120	76.7%	6	92	17	18%	1,331	48	84
Pulaski, 25	159	43.4%	108	69	19	28%	1,276	52	127
Putnam, 3	20	60.0%	69	12	1	8%	489	112	164
Ralls, 10	38	57.9%	75	22	5	23%	1,043	70	220
Randolph, 14	285	79.3%	2	226	15	7%	1,483	34	53
Ray, 8	159	73.6%	11	117	21	18%	1,084	68	216
Reynolds, 42	15	40.0%	111	6	-	0%	592	106	83
Ripley, 36	63	65.1%	42	41	13	32%	1,502	32	171
Saline, 15	245	71.8%	15	176	24	14%	1,500	33	125
Schuylerville, 1	8	37.5%	113	3	-	0%	292	115	49
Scotland, 1	20	80.0%	1	16	2	13%	724	97	88
Scott, 33	278	60.8%	63	169	20	12%	1,862	20	138
Shannon, 37	20	40.0%	112	8	3	38%	687	99	250
Shelby, 41	39	61.5%	57	24	1	4%	890	86	122
St. Charles, 11	1,160	61.0%	61	708	90	13%	1,353	45	240
St. Clair, 27	38	52.6%	95	20	3	15%	1,420	38	84
Ste. Genevieve, 24	62	61.3%	60	264	23	9%	873	89	199
St. Francois, 24	474	55.7%	84	1,607	108	7%	1,618	28	174
St. Louis City, 22	4,688	34.3%	114	1,354	156	12%	5,063	1	208
St. Louis Cnty, 21	3,274	41.4%	109	38	5	13%	2,101	14	202
Stoddard, 35	159	68.6%	26	109	21	19%	1,024	75	100
Stone, 39	154	53.9%	89	83	20	24%	1,375	43	71
Sullivan, 9	25	68.0%	30	17	3	18%	969	80	199
Taney, 38	273	59.0%	74	161	25	16%	2,290	10	186
Texas, 25	91	68.1%	27	62	12	19%	909	84	122
Vernon, 28	90	57.8%	77	52	10	19%	2,254	12	115
Warren, 12	218	74.8%	7	163	22	13%	1,738	24	202
Washington, 24	196	55.1%	87	108	10	9%	880	88	212
Wayne, 42	77	70.1%	23	54	10	19%	1,015	76	45
Webster, 30	120	62.5%	53	75	21	28%	955	81	155
Worth, 4	2	50.0%	102	1	-	0%	740	95	89
Wright, 44	71	54.9%	88	39	5	13%	1,034	72	367
Statewide	30,380	50.3%		15,275	1,999	13%	2,090		125

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